

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DESERT ORCHID PARTNERS, L.L.C.,)	
individually and on behalf of all others)	
similarly situated,)	8:02CV553
)	
Plaintiff,)	
)	
v.)	ORDER
)	
TRANSACTION SYSTEMS ARCHITECTS,)	
INC., WILLIAM E. FISHER, GREGORY J.)	
DUMAN, DWIGHT G. HANSON, DAVID C.)	
RUSSELL and EDARD FUXA,)	
)	
Defendants.)	
)	
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NANCY ROSEN, individually and on behalf)	8:02CV561
Of herself and all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	
)	
TRANSACTION SYSTEMS ARCHITECTS,)	
INC., WILLIAM E. FISHER, GREGORY J.)	
DUMAN, DWIGHT G. HANSON, DAVID C.)	
RUSSELL and EDWARD FUXA,)	
)	
Defendants.)	

This matter comes before the court on the motion of the lead plaintiff and the class representative (the plaintiffs) to direct the defendants to participate in non-binding mediation (Filing No. 174 in case 8:02CV553; Filing No. 219 in case 8:02CV561). Since filing the motion, the parties have agreed to submit to mediation and the court entered a mediation reference order. Accordingly,

IT IS ORDERED:

1. The plaintiffs' motion to direct the defendants to participate in non-binding mediation (Filing No. 174 in case 8:02CV553; Filing No. 219 in case 8:02CV561) is denied, as moot.

2. Based on the parties' referral to mediation and in accordance with the general procedures of this court, the defendants' motion to quash and motion for protective order (Filing No. 178 in case 8:02CV553; Filing No. 222 in case 8:02CV561) are denied without prejudice.

DATED this 8th day of December, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge